

Exhibit A

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA, EX)
REL. MICHAEL N. SWETNAM, JR.)
Plaintiff,)
VS.) CASE NO. 1:08-CV-446
VALLEY BAPTIST HEALTH)
SYSTEM AND VALLEY BAPTIST)
MEDICAL CENTER)
Defendants.)

VIDEOTAPED ORAL DEPOSITION
OF MICHAEL N. SWETNAM
OCTOBER 28, 2014

ORAL DEPOSITION OF MICHAEL N. SWETNAM, produced as a witness at the instance of Defendants, and duly sworn, was taken in the above-styled and numbered cause on October 28, 2014, from 10:19 a.m. to 4:46 p.m. before Dawn Flippin, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine, at the Law Offices of Watts Guerra, LLP, 4 Dominion Drive, Building 3, Suite 100, San Antonio, Bexar County, Texas, pursuant to the Federal Rules and any provisions stated on the record or attached hereto.

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18 ALSO PRESENT:

19 Michael Moore, Videographer - Magna Legal Services
Dawn Flippin, CSR, Court Reporter - Magna Legal Services

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Now, we were talking a minute ago about the excess of loss program or XOL. Can you tell me how you recall that program coming about?

A Yes, sir. In 1993 there was a meeting between Ben

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1 McKibbens, myself, David Smith, Eric Six, Ward Cook and the
2 two Dr. Martins at Valley Baptist Medical Center to discuss
3 the physicians' malpractice crisis. And that's how that
4 program came about. We were talking about it at that meeting.

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24 Q So this -- in this meeting you're discussing the
25 crisis relating to malpractice -- medical malpractice coverage

Page 39

1 in Texas?

2 A Physicians' medical malpractice, yes.

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21 Q And was a decision made at this meeting to go with
22 the XOL option?

23 A Yes. That's the meeting that Ben McKibbens told me
24 to go to New York and find stop loss insurance for it.

25

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF TEXAS
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4 UNITED STATES OF AMERICA, EX)
5 REL. MICHAEL N. SWETNAM, JR.)
6 Plaintiff,)
7 VS.)
8 VALLEY BAPTIST HEALTH)
9 SYSTEM AND VALLEY BAPTIST)
10 MEDICAL CENTER)
11 Defendants.)
12 * * * * *

13 REPORTER'S CERTIFICATE
14 VIDEOTAPED ORAL DEPOSITION OF
15 MICHAEL N. SWETNAM - OCTOBER 28, 2014
16 * * * * *

17 I, Dawn Flippin, Certified Shorthand Reporter in and for
18 the State of Texas, hereby certify to the following:

19 That the witness, MICHAEL N. SWETNAM, was duly sworn by
20 the officer and that the transcript of the oral deposition is
21 a true record of the testimony given by the witness;

22 That the deposition transcript was duly submitted on
23 _____, 2014, to the witness for examination,
24 signature and return to me by _____, 2014;

25 That pursuant to information given to the deposition
26 officer at the time said testimony was taken, the following
27 includes all counsel for all parties of record and the amount
28 of time used by each party at the time of the deposition:

29 Edward L. Allred - (0:00)
30 Attorney for Plaintiffs
31 Sheldon Weisfeld - (0:00)
32 Attorney for Plaintiffs

33 Chris Hanslick - (4:55)
34 Attorney for Defendants

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1 Edgar Saldivar - (0:00)
Attorney for Defendants

That a copy of this certificate was served on all parties
3 shown herein on _____.

4 I further certify that I am neither counsel for, related
to, nor employed by any of the parties or attorneys in the
5 action in which this proceeding was taken, and further that I
am not financially or otherwise interested in the outcome of
6 the action.

7 Certified to by me this _____ day of _____,
2014.



Mauri Shippin

11 DAWN FLIPPIN, CSR #4045
Expiration: 12/31/15

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